

**NOTICE OF PUBLIC HEARING**

Intent to Adopt Regulations

LCB File No. R159-17

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public hearing to consider amendments to Chapter 228 of Nevada Administrative Code (NAC), Domestic Violence in LCB File No. R159-17. This public hearing is to be held on July 11, 2018.

The Division of Public and Behavioral Health public hearing will be conducted via videoconference beginning at 2:00 PM on Wednesday, July 11, 2018 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #301 Carson City, NV 89706	Southern Nevada Health District 280 S. Decatur Blvd Las Vegas, NV 89107
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The public hearing will be conducted in accordance with NRS 241.020, Nevada’s Open Meeting Law.

**AGENDA**

1. Public hearing presentation on proposed amendments to NAC Chapter 228 in LCB File No. R159-17.
2. Public Comment on proposed amendments to NAC Chapter 228 in LCB File No. R159-17.
3. **For possible action:** Consideration and adoption of proposed amendments to NAC Chapter 228, LCB File No. R159-17, Domestic Violence.
4. Public Comment.

The proposed changes will revise Chapter 228 of the Nevada Administrative Code and are being proposed in accordance with §§1-39, section 22.5 of Senate Bill No. 25, chapter 382, Statutes of Nevada 2017, at page 2467.

The proposed changes to NAC 228 include the following:

- Allows for electronic submission of applications.
- Adds a few more requirements to the initial certification application such as a Nevada business identification number unless exempt by Secretary of State’s office and owner information.

- Requires that a program director be identified and establishes the director's qualifications and duties.
- Updates training requirements.
- Changes the initial application approval process from the Committee to having the Committee provide recommendations to the Division of Public and Behavioral Health regarding new domestic violence programs.
- Removes the requirements that CEU's must be obtained partially in person and allows CEU's to be completed entirely online.
- Removes the ability to renew a provisional certificate from two times to only one 18 months provisional certificate without the ability to renew.
- Describes the disciplinary action that can be taken for failure to comply with regulatory and statutory requirements.
- Models the inspection and complaint processes on the Bureau of Health Care Quality and Compliance's facility processes.
- Repeals the hearing/appeal processes in the current regulations and replaces them with the processes outlined in NAC 439.300 to NAC 439.345.
- Changes the group counseling session size from not more than 24 offenders to an annual average of not more than 12 offenders per session and requires the program to maintain an attendance record for and an explanation for the group size of each group counseling session within the current calendar year and each of the immediately preceding 2 calendar years.
- Allows an offender that resides more than 70 miles from the nearest program to attend counseling sessions by electronic media if certain criteria are met.
- If an offender cannot pay for a program, despite use of a sliding scale, the program may require the offender to complete 36 hours of community service in lieu of payment for a first offense and 72 hours of community services for a second offense.
- Requires a provider of treatment to evaluate each offender individually upon the admission of the offender to the program and develop a written plan of treatment for the offender that includes treatment including, without limitation, individual counseling, group counseling or a combination of individual and group counseling at a frequency determined by the provider of treatment in accordance with the requirements of any court order.
- Currently regulations require a provider of treatment and a supervisor of treatment who is acting as a provider of treatment, one of whom is male and one of whom is female, when providing group counseling sessions. The proposed regulations continue to require the two acting as providers of treatment but removes the requirement that one be male, and one be female.

1. Anticipated effects on the business which NAC 228 regulates:

- A. *Adverse effects:* The proposed regulations will increase the cost to do business for those programs that currently have average group sizes greater than 12 in a year. It will not impact those programs that currently keep average group sizes at 12 or less in a year. One individual estimated reducing the group size would cost an additional \$5,200. A concern was also expressed that individual sessions may result in the need to hire an additional provider, which would be an additional cost. The proposed regulations were revised to allow for individual sessions based on a provider of treatment's assessment of the need for individual sessions and does not make it mandatory for all offenders. This should help reduce the fiscal impact on small businesses.
- B. *Beneficial:* Removing barriers to the use of distance media may save costs related to travel, course costs and time off work each year. One individual estimated a cost savings of \$1,500 to \$2,000 each year.
- C. *Immediate:* Upon passage of the proposed regulations costs may increase for some treatment programs and costs may be reduced for others based on the circumstances of each program.
- D. *Long-term:* There may be long term cost increases or cost savings, as noted in the adverse effects and beneficial sections, depending on the circumstances of each program.

2. Anticipated effects on the public:

- A. *Adverse:* No adverse effects on the public are anticipated.
- B. *Beneficial:* Allowing offenders that reside more than 70 miles from the nearest program to attend counseling sessions by electronic media, if certain criteria are met, may provide more flexibility and make it easier for those who live far away from a program to participate and complete the treatment program. Providing methods that encourage participation in therapy sessions may help reduce dropouts which has been cited in literature as one reason a treatment program may lack effectiveness. In addition, it will make it easier for supervisors of treatment and providers of treatment to meet their CEU requirements and for new applicants to meet the training requirements.
- C. *Immediate:* Upon passage of the proposed regulations provide the benefits as noted in the beneficial section.
- D. *Long-term:* Possibly reduce offender dropout rates by making it easier for those who must travel a long distance to attend a treatment program to participate.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated based on the lowest initial application cost of \$1,164 for a license type in which clients do not spend the night at the facility and the lowest annual renewal fee in current regulations which is \$600, as we have not been certifying the programs long enough to obtain data to make a more accurate determination at this time.

The currently effective regulations do not assess a fee and these programs have not paid any certification fees previously. As these programs transferred over to the Division without payment of fees it was decided to not introduce new fees at this point and instead absorb them into our current licensing and regulatory workload. Once we have been certifying these programs for a longer period of time we may gain a better understanding of the cost to certify them and may introduce certification fees through the regulatory process in the future.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Administrator of the Division, Julie Kotchevar, to be received no later than Friday, June 22, 2018, at the following address:

Division of Public and Behavioral Health  
Attention: Julie Kotchevar, Ph.D., Administrator  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow the Administrator adequate time to review the documents.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Leticia Metherell, in writing, no later than five (5) working days before the hearing via email at: [lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov) or by mailing request to:

Nevada Division of Public and Behavioral Health  
Attention: Leticia Metherell  
727 Fairview Drive, Suite E  
Carson City, NV 89701

#### AGENDA POSTING LOCATIONS

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 4150 Technology Way,  
Carson City, NV 89706

WASHOE COUNTY HEALTH DISTRICT – 1001 E. Ninth Street, Reno, NV 89512

EARLY INTERVENTION SERVICES – 1020 Ruby Vista Drive, Suite 102, Elko, NV 89801

SOUTHERN NEVADA HEALTH DISTRICT - 280 S. Decatur Blvd, Las Vegas, NV 89107

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 1650 Community College Drive, Las Vegas, NV 89146

NEVADA STATE LIBRARY AND ARCHIVES – 100 Stewart Street Carson City, NV 89701

CAPITOL POLICE – Grant Sawyer Building Las Vegas

NV LEGISLATIVE POLICE – Legislative Building Carson City, NV 89703

On the Internet at the Nevada Division of Public and Behavioral Health website:

<http://www.dpbh.nv.gov>

On the internet at the Legislative Counsel Bureau website: <http://leg.state.nv.us>

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV 89701

Nevada State Library  
100 Stewart Street  
Carson City, NV 89701

Nevada Division of Public and Behavioral Health  
4220 S. Maryland Parkway, Suite 810, Building D  
Las Vegas, NV 89119

A copy of the regulations and small business impact statement can be found on-line by going to: [http://dpbh.nv.gov/Reg/HealthFacilities/State of Nevada Health Facility Regulation Public Workshops/](http://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/)

A copy of the public hearing notice can also be found at Nevada Legislature's web page: <http://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library  
900 North Roop Street  
Carson City, NV 89702

Churchill County Library  
553 South Main Street  
Fallon, NV 89406

Clark County District Library  
1401 East Flamingo Road  
Las Vegas, NV 89119

Douglas County Library  
1625 Library Lane  
Minden, NV 89423

Elko County Library  
720 Court Street  
Elko, NV 89801

Esmeralda County Library  
Corner of Crook and 4<sup>th</sup> Street  
Goldfield, NV 89013-0484

Eureka Branch Library  
80 South Monroe Street  
Eureka, NV 89316-0283

Henderson District Public Library  
280 South Green Valley Parkway  
Henderson, NV 89012

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, NV 89445-3095

Lander County Library  
625 South Broad Street  
Battle Mountain, NV 89820-0141

Lincoln County Library  
93 Maine Street  
Pioche, NV 89043-0330

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447-2399

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415-1390

Pahrump Library District  
701 East Street  
Pahrump, NV 89041-0578

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419-0781

Storey County Library  
95 South R Street  
Virginia City, NV 89440-0014

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049-0449

Washoe County Library  
301 South Center Street  
Reno, NV 89505-2151

White Pine County Library  
950 Campton Street  
Ely, NV 89301-1965

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.